

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

As requested, the abstract of the disclosure has been reduced in length and amended so as to avoid legal phraseology and the like.

In addition, the specification has been amended to include the usual headings as requested.

The Examiner's objection to the incorporation of essential material in the specification by reference to a foreign application or patent or publication is not understood. So far as the undersigned is aware, there is no such incorporation by reference (of any material whether essential or not). If the Examiner has some specific portion of the specification in mind, it is respectfully requested that such be particularly pointed out.

With respect to the use of trademarks in the specification, care has been taken to capitalize such trademarks wherever they appear and to use them in a way that does not adversely affect their validity as trademarks. For example, at page 20, line 21, a parenthetical explanation acknowledges the owner of a trademark.

In response to the Examiner's objection to claim 7, the wording has been amended above so as to avoid the issue of a possible informality. Other changes have also been made in the claims so as to ensure compliance with traditional U.S. formats and standards.

The rejection of claim 13 under 35 U.S.C. §101 because allegedly directed to non-statutory subject matter is respectfully traversed.

Even as originally presented, a computer readable storage medium is itself "hardware" sufficient to render the claim "tangible". Furthermore, as originally presented, claim 13 already required the storage medium to be computer readable. In any event, as amended above, it is

clear that the claimed computer readable storage medium contains computer readable data which, when utilized by an executing computer program, defines at least part of a description of a media session, etc.. Accordingly, claim 13 is clearly directed to statutory subject matter under 35 U.S.C. §101.

The provisional rejection of claim 1 under 35 U.S.C. §101 based on alleged double patenting *vis-a-vis* co-pending Application No. 09/830,462 is noted. However, Applicant wishes to defer taking action in this or the related co-pending case until allowable subject is found in at least one of such cases and to then have an opportunity to compare allowable subject matter claims with respect to this ground of provisional rejection.

The rejection of claims 1-4 and 13 under 35 U.S.C. §102 as allegedly anticipated by Avaro et al is respectfully traversed.

At the outset, it will be noted that the above amendment to claim 1 clarifies that claim as constituting a method of announcing a description of one or more of a plurality of media stream connections for a media session (e.g., see page 1, paragraph 1 of the originally filed specification for support). Similar amendments have been made to independent claim 13.

Avaro describes actual audio-visual objects whose behavior may be updated by streamed data, and which collectively make up a visible scene. For example, see Figure 5 in which primitive AV objects are shown as a whiteboard, desk, person etc. These are not modular "sessions descriptions" as the "whiteboard" is a physically displayed object, not a means of communicating such as is used in two-way conferencing to exchange information. Thus, in Avaro AV objects relate to the actual scene being displayed and not the media streams (audio, video) etc. which make up the media session.

Specifically, each object in Avaro is an instantiation of an AV object class used to represent natural or synthetic objects that can be manifested audibly and/or visually. AV objects are hierarchical in the sense that one object could be represented by several composite objects – for example, a visual image of a "house" could be considered to be composed of the appropriately juxtaposed images of a triangle (the roof) on a square (the house) within which is positioned other squares (the windows) and a rectangle (the door). Figure 5 of Avaro clearly shows how a scene forms the top of the hierarchy and can be considered to comprise a plurality of AV objects, some primitive and some composite (see also page 394, Figure 5 and page 391, first paragraph, second sentence of Avaro).

The hierarchical requirements of building composite AV objects means that before each AV object is transmitted the encoder and decoder configuration information must be exchanged in Avaro (see page 388, Section 2.2.2.1, final paragraph, second sentence). This will determine what media streams relate to each AV object. No "option" is provided for an AV object to be conveyed using one or more media streams – i.e., if a "ball" is to be conveyed then an AV object image is required which if a moving image is required, will require video information to be streamed to the user terminal to determine the behavior of the AV object (see page 391, second paragraph of Avaro). If the user terminal can't display the video information, then the user terminal won't show simply not show a ball in the scene displayed, it won't show the scene!

Incidentally, it is respectfully noted that the Examiner has misquoted page 390, 391 section 2.3.2, element "AV objects which are called "subsets" in fact this text reads:

"...AV objects are generally hierarchical, in the sense that they may be defined as composites of other AV objects, which are called *sub-objects*. AV objects that are composites of sub-objects are called compound AV objects. All other AV objects are called primitive AV objects. The top-most object in the hierarchy is called the Scene."

This together with Figure 5 on page 394 make it clear that in Avaro, each AV object provides a description of an object in a "scene" and not a description of a media stream requirement for a user to participate in a particular "session".

Clearly, Avaro cannot possibly anticipate any of claims 1-4 or 13.

The rejection of claims 5-12 under 35 U.S.C. §103 as allegedly being made "obvious" based on Avaro in view of Kumar '531 is also respectfully traversed.

Fundamental deficiencies of the primary Avaro reference have already been noted above with respect to parent claims.

Kumar '531 teaches capability negotiation performed by receiver terminals, typically prior to a conference, to determine whether the MC supports the capabilities of the one or more RTP receivers. However, if the capabilities change prior to the start of the conference, a new announcement is created and transmitted (see Col. 5, lines 48-50). Similarly, a capability server in Kumar may allow client to negotiate their capabilities required to access the conference (see Col. 6, lines 35-36) but if the capabilities change as a result of the negotiation, a new announcement is made (see Col. 6, lines 40-41).

In contrast, there is no need to resend the announcement using the claimed invention. Each announcement is made in a modular manner so that a client terminal is able to negotiate its capabilities dynamically according to its available resources and to renegotiate what media streams are received during the session itself (for example, if the network conditions change). In this way, if a client determines that the audio QoS has deteriorated, it is able to no longer convey the audio stream to the user with that specific codec for example, instead it could convey an audio stream which could be successfully transmitted to the user. As an example, if a user was

watching in "stereo" and the sound deteriorated, the client terminal could switch to "mono" reception automatically during the transmission. Effectively, the invention provides a "distributed announcement".

In short, neither Avaro or Kumar can possibly teach or suggest Applicant's claimed invention and thus the outstanding grounds of rejection are clearly erroneous.

For possible assistance to the Examiner, it is noted that Applicant necessarily believes the closest prior art in fact is the SDP document (M. Handley et al, April 1998), hereinafter referred to as "Handley et al"). Handley et al describes how a multi-media session is defined as a set of media streams that exist for some duration of time (see page 3, Section 5, second paragraph, first sentence). A session description consists of a session-level description (details that apply to the whole session and all media streams) and optionally several media-level descriptions (details that apply onto a single media stream). An announcement consists of a session-level section followed by zero or more media-level sections. However, Handley et al simply teach that several session descriptions can be sent in a concatenated form together, but do not teach providing any logical association between each media-level description associated with a session-level description to enable the media-level description to be sent at a different time from the session-level description to which it is associated in the distributed manner that the invention permits.

Thus, Handley et al does not teach what is effectively a "distributed announcement for a modular session description" in the manner of the claimed invention, as each session description itself could not be announced in a distributed manner to enable additional streams to be received or not received by a client terminal dynamically in the manner of the invention. Unlike the SDP system, the claimed invention permits a two-way link between modules so that media streams

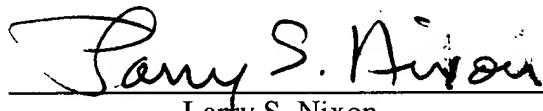
can be subsequently associated with a previously received base module. This transfers control over the reception of different media modules to the client terminal without the distribution server having to first resend different session announcements.

Attention is also directed to an attached copy of a European Examination Report which recently issued for a counterpart of this case. Since this document does not constitute prior art in itself, it is not believed that a further IDS fee is necessary for this stage of proceeding. It will be noted that the prior art relied upon in the European report is already of record in the present application.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Larry S. Nixon
Reg. No. 25,640

LSN:lfm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Attachment: Copy of European Examination Report dated February 26, 2004